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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,861

01/16/2001

William G. O'Brien

SWA01- P-102

4209

28101

7590

03/22/2005

EXAMINER

VAN DYKE, GARDNER, LINN AND BURKHART, LLP  
2851 CHARLEVOIX DRIVE, S.E.  
P.O. BOX 888695  
GRAND RAPIDS, MI 49588-8695

TRAN, ELLEN C

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/760,861

Applicant(s)

O'BRIEN, WILLIAM G.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communication: 25 October 2004 with original application filed 16 January 2001.
2. The original application was subject to a restriction requirement, Applicant elected Group I of the restriction without traverse.
3. Claims 1-9 and 31-39 are currently pending in this application. Claims 1 and 31 are independent claims. Claims 10-30 and 40-60 have been canceled.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 1-3 and 31-33**, are rejected under 35 U.S.C. 102(e) as being anticipated by Ferchichi et al. U.S. Patent Application Publication No. 2003/0012382 (hereinafter '382).

**As to independent claim 1, "A secure access transceiver for providing secure and authenticated access to command controllable computerized equipment, comprising: means for establishing a carrier signal in response to an access request from a remote entity seeking access to the equipment from a remote point; means for authenticating the entity seeking access to the computerized equipment"** is taught in '382 page 1, paragraphs 0011-0013;

**“and means for enabling data to pass through the secure access transceiver to the computerized equipment only upon authentication of the entity seeking access to the computerized equipment and for preventing data from passing through the secure access transceiver”** is shown in ‘382 page 2, paragraphs 0048-0050.

**As to dependent claims 2 and 3, “wherein the means for authentication is of an embedded electronics type” and “wherein the means for authentication is of a removable electronics type, such as a daughter card or a smart card”** is disclosed in ‘382 page 1, paragraph 0016.

**As to independent claim 31,** this claims contains substantially similar subject matter as claim 1; therefore it is rejected along similar rationale

**As to dependent claims 32 and 33,** these claims contain substantially similar subject matter as claims 2 and 3; therefore they are rejected along similar rationale.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4-6 and 34-37,** are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘382 in further view of Whitworth U.S. Patent Application Publication No. 2001/0034717 (hereinafter ‘717).

As to dependent claim 4, the following is not taught in '382: **“wherein the means for authenticating the entity seeking access to the computerized equipment further comprises means for storing and retrieving information to enable the storage and retrieval of authentication information, transaction records and authentication information revocation lists”** however '717 teaches “If card access information 601 does match, the card itself provides information 605 which may include: card number, access level, access time restriction, account number, cardholder name(s), expiration data, usage restriction information, date according to the card's clock, time according to the clock, number of times card has been used ... Information input into the verification system is checked to see if the card is current and valid 615, using a database including information such as: current valid card numbers” on page 6, paragraph 0110-0116.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '382 an authentication access to control computerized equipment to include a means to retrieve authentication information. One of ordinary skill in the art would have been motivated to perform such a modification to improve resistance against fraud and theft (see '717 page 1, paragraph 0003 et seq.) “The present invention relates to credit cards, debit cards and ATM cards which have improved resistance to fraud and theft using encryption and time codes within the cards themselves ... A third embodiment is included for using similar procedures to enhance security for internet or local area network password access”.

As to dependent claim 5, **“wherein the means for authentication further comprises an absolute time clock to enable a validity of the authentication information to be restricted to specified periods of time”** is taught in '717 page 4, paragraph 0085 “For

technical reasons, it is likely that the encrypted code will be related to number of card uses, time or time and date information. The card information and an encrypted code related to that information will be used to confirm that the card is an original and in the physical possession of the cardholder at the time a transaction is attempted. The encrypted information should vary from one attempted transaction to the next in a way which the transaction center will be able to confirm, but forgers and thieves cannot usefully guess, intercept or copy”.

**As to dependent claim 6, “wherein associated with the transaction records is a maximum number of transactions enabled to trigger a critical event when the maximum number of transactions have been performed by the remote entity”** is shown in ‘717 page 4 paragraph 0083 “If the access information does not match at 201, a "no" advances to 207 where a decision is made regarding retrying providing access information for the card. If the user would like to retry accessing the card, a "yes" advances to 209 and allows the user to retry providing card access information 201. If there is concern about whether an improper person is attempting to access the card, concern about whether the card is valid, or concerns about whether the card may be an attempted copy or counterfeit, a "no" advances to 211, where a security or valid card check is performed”.

**As to dependent claim 7, “wherein the critical event triggers a transaction record dump to a known remote point”** is disclosed in ‘717 page 5, paragraph 0091 “If the card is current and valid, a "yes" causes the transaction center to determine if the charge is allowable 227. Determining if a charge is allowable can be done using current means which compare the requested transaction with information such as available balances and authorization levels 229. If the charge is not allowable, the transaction is declined 231. If the charge is allowable, the

transaction center accepts the transaction 233 and makes any necessary updates in records and authorization levels 235”.

**As to dependent claims 34-37**, these claims contain substantially similar subject matter as claims 4-7; therefore they are rejected along similar rationale.

8. **Claims 8, 9, 38, and 39**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘382 in further view of Koenck et al. U.S. Patent No. 6,714,983 (hereinafter ‘983).

**As to dependent claim 8, the following is not taught in ‘382: “wherein the means for enabling data to pass through to the computerized equipment is a signal enabling a shift in/out clock controlling data transfer to the computerized equipment”** however ‘983 teaches “the present invention is typically more reliable than modular systems with conventional parallel data transfer, due to the reduction in the interconnections among the various modules. FIG. 3 shows four signal terminals which constitute the MBUS concept. “MCLK” is the clocking signal which synchronizes the modular counterparts of the control processor 49. The clocking signal provides for a bit rate of 500 kilo bits per-second. The terminal labeled “MTXD” transfers data from the control processor onto the MBUS 50. The terminal labeled MRXD receives data from other modules over the MBUS 50. The low signal active “NMATT” is a control signal line which indicates that data will be communicated over the MBUS 50. These four lines effectively permit the various modules to communicate among each other” in col. 15, lines 48-62.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of ‘382 an authentication access to control computerized equipment to

include a means to control the rate information is exchanged. One of ordinary skill in the art would have been motivated to perform such a modification to improve communication between portable devices (see '983 col. 5, lines 7 et seq.) "In addition, to support real-time access to a communication network, each portable data collection terminal needs to establish and maintain radio connectivity to the network. However, portable terminals must also address conflicting concerns of battery power conservation, i.e., maintaining connectivity places a substantial load on battery power. Moreover, the mobile nature of portable terminals also presents difficulties in maintaining connectivity. It would therefore be desirable to implement communication protocol techniques which address power saving and mobility concerns while providing virtually real-time access to the communication link".

**As to dependent claim 9, "wherein the means for enabling data to pass through to the computerized equipment is a signal enabling a read function which enables the data to be read from a register holding data to be transferred to the computerized equipment"** is taught in '983 col. 20, line 65 through col. 21, line 23 "The control processor 49 may include in its commercial implementation, in addition to typical microprocessor registers and an arithmetic logic unit, such functional circuit blocks as ROM, RAM and communications ports. These circuit blocks may also be included in any integrated device 80, or their functions may be supplied by peripheral devices. As shown in FIG. 6, additional external memory 84 ("MEM") may optionally be provided to supplement such on-board memory 85 ("OM"), though for typical operations as further described herein, the external memory device 84 is not required. According to one embodiment, data communication between the processors 48 and 49 occurs



via an interface circuit that includes, for example, two 8-bit data registers or latches described in greater detail below in relation to FIG. 6".

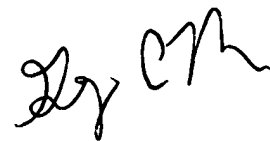
***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran  
Patent Examiner  
Technology Center 2134  
13 March 2005



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2134